

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

-v.- : S1 12 Cr. 02 (JSR)

WEGELIN & CO., *et al.*, :

Defendants. :

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CERTIFICATE OF SERVICE

I, Daniel W. Levy, declare under penalty of perjury that:

1. I am an Assistant United States Attorney for the Southern District of New York. I am more than 18 years old and not a party to this action.

2. I make this declaration in connection with the Government's service of a summons issued in connection with the Superseding Indictment (the "Superseding Indictment") in the above-referenced case.

3. On February 2, 2012, a grand jury sitting in this District returned the Superseding Indictment. The Superseding Indictment charges, among other defendants, Wegelin & Co. ("Wegelin"). Wegelin was not charged in the original Indictment. At the time of the return of the Superseding Indictment and at the Government's request, the Honorable Debra Freeman, United States Magistrate Judge, issued a summons (the "Initial Summons") ordering Wegelin to appear before the Court on February 10, 2012. Despite various steps taken by the Government to serve Wegelin with the Initial Summons, neither Wegelin nor an authorized representative appeared before the Court on February 10, 2012.

4. On or about April 10, 2012, the Government requested that the Court re-issue a summons ordering Wegelin to appear before the Court on May 23, 2012 at 4:00 p.m. The Court issued the requested summons (the "Reissued Summons").

5. On or about April 13, 2012, the United States requested that the appropriate authorities in Switzerland serve the Reissued Summons, together with a copy of the Superseding Indictment, upon Wegelin. The request was made pursuant to Switzerland's Federal Act on International Mutual Assistance in Criminal Matters. The request was not made pursuant to the Treaty between the United States of America and the Swiss Confederation on Mutual Assistance in Criminal Matters, which, by its terms, does not apply, in general, to proceedings "concerning violations with respect to taxes."

6. On or about May 7, 2012, I received from the Department of Justice's Office of International Affairs, among other things, the documents attached hereto as Exhibits A through C:

(a) Exhibit A is a report prepared by an official of the cantonal police of St. Gallen, the canton of Switzerland in which Wegelin's principal place of business is located. In it, the police official indicates that he personally served Konrad Hummler ("Hummler"), a representative of Wegelin, with a copy of the Reissued Summons and the Superseding Indictment, and that the police official did so after verifying Hummler's identity. Based on the Government's investigation, I am aware that Wegelin is a partnership owned principally by a small group of partners, including Hummler. A translation of Exhibit A that was prepared at the request of the Government is included with Exhibit A.

(b) Exhibit B is a receipt signed in the name of Konrad Hummler indicating that he received the Reissued Summons and the Superseding Indictment in both English and German. A translation of Exhibit B that was prepared at the request of the Government is included with Exhibit B.

(c) Exhibit C is a copy of the Reissued Summons and a translation of the Reissued Summons, with the proof of service section prepared by the police official on both the original English version and the German translation of the Reissued Summons. In that section of the Reissued Summons, the police official indicates that he personally served the Reissued Summons upon Wegelin & Co./Hummler on May 2, 2012.¹

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 11, 2012.

_____/s/_____
Daniel W. Levy
Assistant United States Attorney
Telephone: (212) 637-1062

¹ Exhibits A and C are redacted pursuant to Rule 49.1(a)(2), (5) of the Federal Rules of Criminal Procedure.